

ZONING BOARD OF APPEALS OF RIDGEFIELD
MINUTES OF MEETING

AUGUST 17, 2021

NOTE: These minutes are intended as a rough outline of the web-based Zoom proceedings of the Board of Appeals on Zoning of Ridgefield held on August 17, 2021. Copies of recordings of the meeting may be obtained from the Administrator at cost.

The Chairman called the web-based special meeting to order at approximately 7:00 p.m. Sitting on the Board for the evening were: Carson Fincham (Chair), Sky Cole (Vice-Chair) Mark Seavy, Terry Bearden-Rettger, and Joseph Pastore.

ROTATION OF ALTERNATES

The rotation for the meeting was first, Mr. Lockwood; second, Mr. Stenko; third Mr. Byrnes. No alternate was needed for tonight's meeting.

Appeal No. 21-019

The Giardini Limited Partnership and Pierandri Realty LLC
63-67 Prospect Street

Attorneys William Hennessey and Lisa Feinberg represented the applicants at this hearing continued from July 19. Attorney Pat Sullivan representing the Board was also present. Mr. Hennessey asked the Board to consider the arguments outlined in their memorandum requested by the Board, that covered laws should apply to this appeal. Mr. Fincham asked if the executive orders covered the public act that was issued for this property. Ms. Feinberg replied no, but under General Statue 124, the special legislation was a covered law. Ms. Feinberg further stated that the first executive order dated March 10, 2020 tolled all permits and approvals until the orders expiration date June 30, 2021. Therefore, on July 1, 2021 the clock started ticking again and a year or more should be added to allow for the filing of an application for a building permit and construction to commence.

The zoning enforcement officer Richard Baldelli appeared. He stated to the Board that there was nothing written in the executive orders about extensions of site plan approvals, also the orders id not expire until June 30, 2021. The applicants could have applied and received a building permit over the last 14 years.

Peter Olson, the attorney representing the neighboring property owner, Paul Jaber, who filed an appeal for the issuance of the zoning permit and the lawsuit in Superior Court, appeared. Mr. Olson had submitted a memorandum supporting Mr. Baldelli's decision to revoke the permit. Mr. Olson stated to the Board that the executive orders do not cover this particular site plan approval and the special legislation granted to this site with an expiration date removed the approval from falling under the covered laws. Mr. Olson further stated that the ZBA's role was to interpret zoning regulations and was not a court of law. The complex issues raised in this appeal should be decided in the courts.

Several neighbors and local citizens spoke in favor of Mr. Baldelli revoking the zoning permit including Lei Zhung of 77 Prospect, Tracey O'Connor of 59 Prospect, Paul Cockerill of 71 Prospect, Lori Mazzola of 1 Circle Drive East, John Johnson of 38 Prospect Street.

Ms. Feinberg then spoke again to the Board. She agreed the laws and executive orders were very complicated, but they believe the enactment of the executive order tolled the site plan approval. After the executive order expired on June 30, 2021, the timeclock for inquiring the permits began again. The executive orders changed the process pursuant to a covered law. Mr. Hennessey further stated that Section 8.7 of the zoning statutes, precluded them from taking out a building permit after appeal was filed with the Town.

Mr. Baldelli replied that the appellants could have gone to court during this time frame to extend their deadline to get a building permit.

At this time the public comments ended and the hearing was closed to the public. A decision can be found at the end of these minutes.

Appeal No. 21-019
The Giardini Limited Partnership and Pierandri Realty LLC
63-67 Prospect Street

The legal notice for this appeal read as follows:

For an appeal of the decision of the Zoning Enforcement Officer for declaring a site plan approval expired and revoking the zoning permit for such site plan; for property in the MFDD zone located at 63-67 Prospect Street.

DATES OF HEARINGS: July 19 and August 17, 2021
DATE OF DECISION: August 17, 2021

By a vote of three (3) to grant the appeal and two (2) to deny, a majority of the Board voted to reverse a decision of the Zoning Enforcement Officer (ZEO) declaring a site plan approval expired and revoking the zoning permit for such site plan. Under CGS 8-7, a concurring vote of four (4) members of the Board is required to reverse any order or decision of the ZEO. Therefore, the Appeal is denied and the revocation of the zoning permit by the ZEO remains valid.

VOTE:	<u>To Grant Appeal</u>	<u>To Deny Appeal</u>
	Fincham, Pastore	Bearden-Rettger, Cole
	Seavy	

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 8:16 pm.

Respectfully submitted,

Kelly Ryan
Administrator